To whom it may concern,

Re Water act amendments NT.

I have had legal advice on laws & legislations around fracking and the water act,

The legal advice is as follows and not acceptable to most people in the NT and Australia

It is the view of Ms Potts that pastoralists and other occupiers are potentially exposed to significant risks regarding land access for petroleum activities due to the current legislative framework in the Northern Territory.

I will be pressing the NT Government before the commencement of any further onshore petroleum activities to amend the Water Act and the Petroleum Act to provide greater protections to landholders and occupiers and to ensure that certain provisions of these Acts do not have unintended consequences.

The most significant concerns relate to a potential defence in relation to petroleum activities causing water pollution.

There is an urgent need for there to be a statutory regime in place in relation to access and compensation agreements with landholders and occupiers. This regime must include

protections for landholders, stakeholders and occupiers, so they are no worse off as a consequence of the petroleum title holder's activities. It must also cover those aspects highlighted in section 14.6 of the Pepper Inquiry Recommendations.

Further, we will argue all baseline data proposed to be collected by the Pepper Inquiry Recommendations must be collected by impartial entities and be completed before further

petroleum activity commences. This baseline data is essential evidence for a landholder or occupier to prove subsequent damage by the petroleum title holder's activities.

There is an argument that petroleum title holders could have a statutory defence in the Water Act for offences for certain kinds of water pollution. This defence could be argued by a petroleum title holder where a petroleum activity results in an intermingling of a briny aquifer with a beneficial aquifer.

This defence becomes problematic in the relation to the hydrogeology of the Beetaloo basin where the highly saline aquifer, the Moroak aquifer, lies below a beneficial aquifer, the Gum

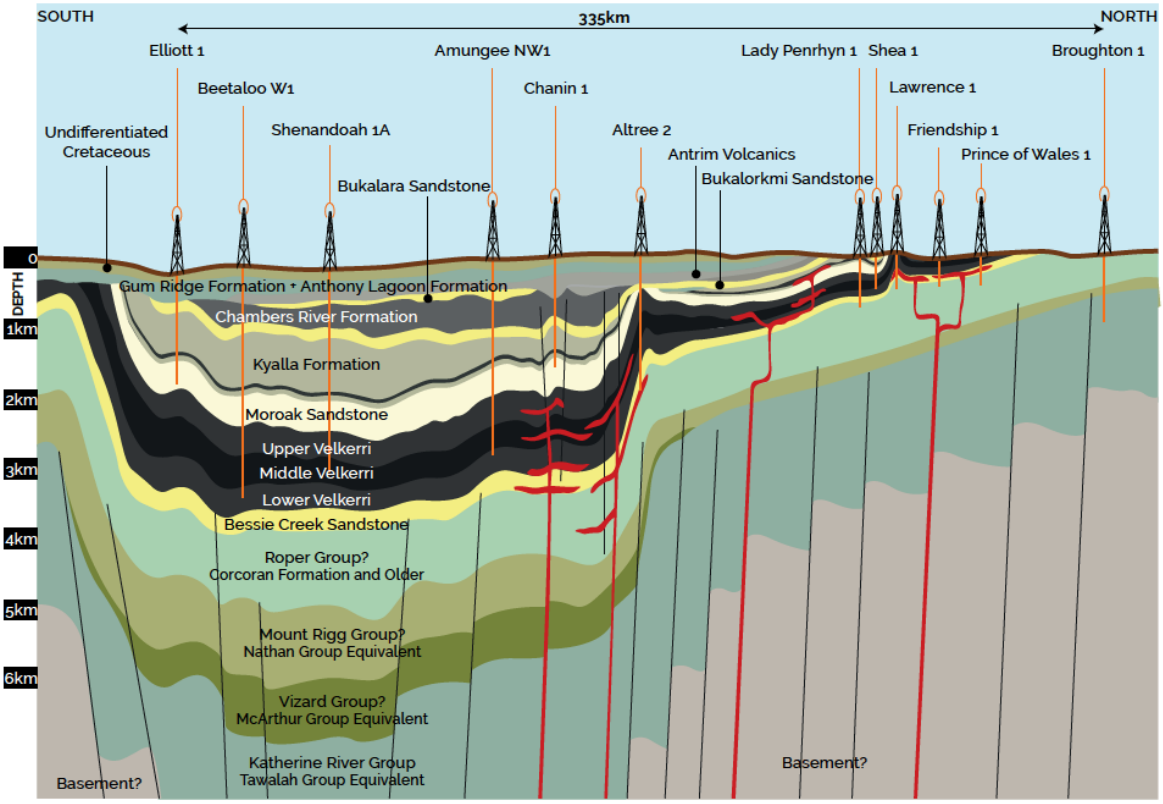
Ridge formation. The Moroak aquifer is about double the salinity of seawater and under significant pressure (1620 PSI). NT Government mapping shows it underlies the entire Beetaloo

basin. This means proposed petroleum wells in the Beetaloo basin will penetrate both these aquifers. If this highly pressurised salty Moroak aquifer intermingles with the beneficial freshwater aquifer in the Gum Ridge formation, there could be significant changes in salinity in

the Gum Ridge formation rendering it unusable for stock and domestic use. (See diagram in Appendix 1.)

Appendix 1

Figure 1 Figure 6.3 p 89 Pepper Inquiry: Schematic cross-section across the Beetaloo Sub- basin.



Hence the need for detailed and independent baseline to be undertaken before

any drilling occurs.

We are pressing the NT Government to repeal s7(2) of the Water Act to ensure there is no possibility of any argument that it creates a statutory defence available to petroleum title holders

to this type of water pollution.

Another concern is whether or not a landholder and or occupier could be liable for the acts of a petroleum title holder. This is complicated by section 102(1) of the NT Water Act. This section

requires an occupier of land “to take reasonable steps and exercise due diligence, having regard to the nature and extent of the occupation, to prevent an offence under this Act occurring

on the land.”

We query whether an occupier has a duty under s102 of the Water Act to prevent a petroleum title holder committing an offence. We would argue that the owner and occupier should have

statutory immunity from acts of a petroleum title holder on their land.

These concerns with the Water Act and the Petroleum Act give rise to potential risks for Territory landowners and occupiers that require urgent attention from the NT Government

before further gas exploration and fracking activity is approved.

Actions that must take place now:

(i) Repeal Section 7(2) Water Act and amend s102(1) and s102A to ensure no unintended consequences. This may be achieved through advocacy on the part of individual pastoralists or

a representative organisation such as the NT Cattlemen's Association, and/or directly to the NT Government and members of Parliament.

(ii) Amend the Petroleum Act to include a part on land access, as per recommendation 14.6 of the Pepper Inquiry. No access arrangements should be entered into until that

time, if at all. It should be made a statutory requirement that a land access arrangement is in place before access, and access must be in accordance with the access arrangement. Breach

of an access arrangement should entitle denial of access.

Note that if the landholder is diverting their attention to the petroleum title holder's business, they are in effect subsidising the petroleum industry. The principle should be "the

landholder/occupier must be no worse off as a consequence of the petroleum title holder's proposed activities on the land".

This principle encompasses compensation to landowners for the time they take away from their business operations to consider the requests of the petroleum title holder's use of their land. All

landholder costs and landholder expert costs should be paid by the petroleum title holder (ie hydrologist, hydrogeologist, valuer, accountant, legal and landholder time should be paid by the

petroleum title holder as per the terms of invoice). That includes costs related to breaches by the petroleum title holder of the access arrangement, and any court and appeal court costs.

Note there is no legislative requirement for a landholder to come before the land access arbitration panel. The panel can simply make recommendations. These are not binding on either

party.

iii) Existing access agreements and consultation can be challenged. Pastoralists who may have entered into an access agreement with a petroleum title holder and now have activities

taking place on their properties are entitled to consultation on all work plans related to this activity. Failure to disclose all aspects of this activity may lead to legal challenges.

iv) Impartial, expert and independent baseline data on water quality, social impact and biosecurity should be collected prior to any exploration activities taking place. Without

proper baseline data, pastoralists, landowners, TO's, community members, councils and occupiers are in a difficult position to prove damage or make a compensation claim arising from an incident caused by petroleum activity,

Especially when major INQUIRY RECOMMENDATION have ALREADY been IGNORED putting the inevitable risks even HIGHER,

With the scientific and geological risks involved with fracking in the Beetallo Basin and local Aquifers.

I will not be responsible for these actions and consequences that are irreversible and are LIFE THREATENIG to the people and Environment

The Cross connection of aquifers and drilling through Fault lines is NOT acceptable and has already happened in the Beetalloo .

I oppose passing of this bill in current form.

The Assembly should at least amend this Bill to hold the persons responsible for actions to be accountable personally. including governments and advisers.

The Bill gives NO rights or liberties to individuals but protects the culprits.

I would be strongly recommending that the government take a good look at the REAL SCIENCE, LISTEN to the PEOPLE and BAN this DANGEROUS industry that is a MAJOR threat to our food and water security.

As a stakeholder and citizen of Australia I will NOT be signing any LANDACCESS agreements under these laws with the risks involved with fracking.

The science and evidence is in.

Please protect our food and water security.

No water .no future.

Thank you for the opportunity to submit.

Regards Daniel Tapp and family